



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Stephen M. Haase

**SUBJECT:** SEE BELOW

**DATE:** May 18, 2004

**COUNCIL DISTRICT:** 7  
**SNI AREA:** N/A

**SUBJECT: GP02-07-04: GENERAL PLAN AMENDMENT request to change the *San Jose 2020 General Plan* Land Use/Transportation Diagram designation from Heavy Industrial, Combined Industrial/Commercial, Single-Family Detached and Attached Residential (8-16 Dwelling Units Per Acre) (Communications Hill Planned Community) to High Density Residential (25-50 DU/AC) for property located at the southwest corner of Monterey Highway and Goble Lane on a 29.5 acre site.**

**GPT02-07-04: GENERAL PLAN TEXT AMENDMENT request to amend the text to reflect the proposed changes in the Communications Hill Specific Plan.**

## **RECOMMENDATION**

On October 30, 2002 the Planning Commission voted 5-2-0 (Commissioners Levy & Dhillon Opposed) to recommend approval of the proposed General Plan Amendment to the City Council.

## **BACKGROUND**

On November 5, 2002, the applicant submitted a letter requesting that this amendment be deferred until further notice. The applicant now wishes to have this item heard at the June 1, 2004 City Council hearing.

At that hearing, staff explained the key reasons for the recommendation for no change to the General Plan:

- The proposed high-density residential land use is fundamentally incompatible with the existing and planned industrial land uses in the immediate area.

- The amendment's conflict with the Economic Development Major Strategy, a key component of which is the preservation of the City's industrial areas that are critical to the City's economic viability.
- The proposed high-density residential use of the subject site is inconsistent with the long-standing plans and vision for the area as portrayed in the Communications Hill Specific Plan.
- The Office of Economic Development is also opposed to the General Plan amendment for the reasons stated in a letter included in the attached staff report.
- In addition to land use incompatibility and conversion issues, the proposed High Density Residential (25-50 DU/AC) designation would not allow the approximately 18,000 square feet of commercial development as proposed by the applicant's Planned Development Rezoning on file with the Planning Division.

This transmittal also summarizes recent outreach conducted in March and April, 2004.

## **ANALYSIS**

On October 30, 2002, the Planning Commission held a public hearing to consider the subject amendments. The Department of Planning, Building, and Code Enforcement recommended no change to the existing Heavy Industrial, Combined Industrial/Commercial and Single-Family Detached and Attached (8-16 DU/AC) General Plan designations on the subject site.

At the October 30, 2002 Planning Commission hearing, Paulo Hernandez from Silicon Valley Advisors representing the applicant, spoke in favor of the proposed General Plan amendments. His testimony is summarized below:

- The proposed site is compatible with the surrounding uses, particularly the neighboring mobile home park and thus is an appropriate location for housing.
- The amendment has the support of the Housing Action Coalition, Residents of the Chateau La Salle Mobile Home Park, Silicon Valley Chamber of Commerce and the Building Trades Council.
- Conditional Use Permit restrictions on the adjacent Raische Products facility will adequately protect new residential uses on the subject site.
- The residential development on the nearby Communications Hill does not include affordable housing.
- The existing Mobile Home Park is in bad condition and it is the applicant's intent to provide relocation assistance to allow residents into the newly constructed project.

- The property owner has had difficulty leasing the site for industrial use because of the lack of visibility of the site from Monterey Road.

A representative of Raisch Products, operator of the quarry and asphalt plant operations to the south indicated that because of the need for housing, Raisch is not opposed to the project. He indicated that they were originally concerned with potential complaints from new residents regarding their asphalt plant operation. However, they have since agreed to establish a “nuisance easement” on the subject site to release them from any legal liability that may arise from the operation of their plant. Staff later clarified that this would not exempt Raisch from the City’s land use regulations, including the responsibilities of the Code Enforcement Division to respond to and process complaints.

A number of individuals spoke in support of the proposed General Plan Amendment. These included representatives of the Housing Action Coalition, Building Trades Council, Silicon Valley Manufacturing Group and the Emergency Housing Consortium. They reiterated the need for affordable housing and the benefits from the construction jobs at a prevailing wage that would be created if the project were to proceed.

Commissioner Levy reiterated his concerns regarding the continued loss of industrial land and requested that staff do additional research and provide more detailed information as to the adequacy of the City’s industrial land supply, including how San Jose compares to other cities.

Commissioner Dhillon concurred with the need for affordable housing and the potential benefits of the project and indicated a concern for the lack of any overall vision for the Monterey Corridor area. He indicated that he would not be supporting the amendment to call attention to the need for a master plan for the area. He suggested the eventual creation of a task force to address the land use planning issues in this area.

Commissioner James disagreed with staff’s concerns regarding the viability of neighboring industrial properties being negatively impacted. He indicated that the multifamily residential development would serve as an additional buffer to protect the existing residential uses from neighboring industrial uses and would not lead to a “domino effect” of additional industrial land conversion.

Commissioner Platten indicated support for the amendment indicating that multi-family residential is the highest and best use of the property. He reiterated Commissioner Levy’s concerns regarding the need for more detailed information on the City’s industrial land supply.

Commissioner Zamora indicated strong support for the amendment because it will enhance other residential uses on Monterey Road. The Planning Commission subsequently voted 5-2-0 (Commissioners Levy & Dhillon Opposed) to recommend approval of the proposed General Plan amendments to the City Council.

## **PUBLIC OUTREACH**

A public hearing notice of the Planning Commission and City Council hearings and a newsletter regarding the two community meetings held on October 7<sup>th</sup> and 9<sup>th</sup>, 2002 were sent to all of the property owners and tenants within a 500-foot radius of the subject site.

In preparation for the June 1, 2004 City Council hearing, the property owners and occupants within a 1,000-foot radius were sent a newsletter regarding the three community meetings that were held on March 25 and 29, and April 26, 2004 and a notice of the public hearing to be held on the subject amendment before the City Council on June 1, 2004. The third community meeting was held at the Chateau La Salle mobile home park and notices were sent to properties including all of the residents for five mobile home parks in the area. Staff provided Spanish and Vietnamese translation at this meeting. Approximately 100 persons attended the third meeting. The majority were opposed to the proposal. Statements in opposition to the proposed amendment include:

- Many of the residents of the Redwood mobile home park have lived there for many years, and do not want to leave.
- If the mobile home park residents are displaced by this project, they cannot afford other types of housing.
- Many of the residents expressed a concern that decisions have already been made to approve the proposed project.
- A majority of the Redwood mobile home park residents would like the City to leave their site out of the approval of this amendment.
- If the proposed amendment is approved, the residents of the Redwood mobile home park asked that the developer provide them units in the new project so that they don't have to relocate and change jobs and schools.
- Redwood residents are concerned that the appraised value of their homes will not provide adequate revenue for them to find other housing in the area.
- There were concerns that the owner of the Redwood Mobile home Park has not maintained the property for a number of years.
- There were concerns about the adequacy of the current infrastructure and utility systems to handle such a large development.

In addition, the Department's web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedule. This site is available to any member of the public and contains the most current information regarding the status of the amendments. Staff has received a variety of phone calls from residents and business owners in the area. The majority are not in support of the proposed change.

STEPHEN M. HAASE, SECRETARY  
Planning Commission